

# ANDERSON EXHIBIT 8

TO

OPPOSITION TO EXCLUDE TESTIMONY  
OF EXPERT MARK G. DUGGAN PH.D.

=====

**Hughes Deposition Transcript Excerpt**

Exhibit "1"

Hughes, Ph.D., James W. - Vol. II  
Chicago, IL

May 6, 2009

Page 297

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL )  
INDUSTRY AVERAGE WHOLESALE ) MDL No. 1456  
PRICE LITIGATION )  
\_\_\_\_\_) Master File  
\_\_\_\_\_) No. 01-CV-12257-PBS  
THIS DOCUMENT RELATES TO: )  
\_\_\_\_\_) Subcategory  
\_\_\_\_\_) No. 06-CV-11337-PBS  
United States of America, )  
ex rel. Ven-A-Care of the )  
Florida Keys, Inc., v. )  
Abbott Laboratories, Inc., )  
CIVIL ACTION NO. 06-11337-PBS) VOLUME II

Videotaped Deposition of JAMES W.

HUGHES, Ph.D., at 77 West Wacker Drive, 35th  
Floor, Chicago, Illinois, commencing at the hour  
of 9:09 a.m. on Wednesday, May 6, 2009.

Henderson Legal Services, Inc.

202-220-4158

[www.hendersonlegalservices.com](http://www.hendersonlegalservices.com)

9bf50a28-ec15-4804-8eb6-56ab4c34891b

Hughes, Ph.D., James W. - Vol. II  
Chicago, IL

May 6, 2009

Page 342	Page 344
<p>1 sufficient, you would say well, they're not 2 sufficient because? 3 MR. BERLIN: Objection, form. 4 THE WITNESS: He is saying that \$10.16 5 is an Abbott NDC and only an Abbott NDC. Right 6 now his assurances are zero. All he is saying is 7 that Abbott has an NDC that's \$10.16. 8 What I'm arguing that he needs to do is 9 to provide a basis for that conclusion. And one 10 way to do that would be to say I have gone to 11 where NDC AWP's reside, First Databank or the Red 12 Book or whichever one is appropriate for the 13 system that he's using, I have examined this for 14 the appropriate quarter and the appropriate time, 15 and it is my opinion that only Abbott, or excuse 16 me, here is all of the NDCs that have a price of 17 \$10.16 at this time. 18 BY MR. LAVINE: 19 Q. And on what objective basis are we going 20 to be able to say that -- 21 MR. BERLIN: Were you done with your 22 answer?</p>	<p>1 THE WITNESS: Because AWP's for each NDC 2 come from one of the compendia. That's the source 3 of shall we say the truth of what AWP is at any 4 particular time in any particular quarter in any 5 particular state. Although of course compendia 6 are national, correct. 7 So if he says I have gone to the source 8 of truth for NDCs, excuse me, I've gone to the 9 source of truth for AWP's, I've gone to where the 10 Medicare carriers go to get AWP's, I've gone to the 11 compendia, and I have checked that compendia and 12 at that time here's a list of the NDCs that have 13 \$10.16. Or the only one that has \$10.16 is 14 Abbott. Therefore, I am confident that when I see 15 \$10.16, that it is indeed an Abbott NDC, yes, an 16 Abbott AWP I mean to say. 17 The standard that you keep asking me 18 about is that he goes to the source of the data, 19 the compendia, and verifies his heretofore 20 assumption that \$10.16 can only be an Abbott NDC. 21 That's the standard. 22 BY MR. LAVINE:</p>
Page 343	Page 345
<p>1 THE WITNESS: No, not even close. 2 MR. BERLIN: Can you please let the 3 witness finish his answer? 4 MR. LAVINE: Well, much of it's 5 nonresponsive. And if we want to chance to finish 6 this deposition today, we're losing it quickly. 7 MR. BERLIN: Okay. Well, go ahead and 8 let the record reflect the witness is not complete 9 with his answer. 10 BY MR. LAVINE: 11 Q. What is the standard that you would 12 apply to determine when Professor Duggan has 13 demonstrated a sufficient basis for his 14 assumptions? 15 A. When he offers evidence that he has 16 checked the accuracy of his assumption, that 17 \$10.16 is only an Abbott NDC. 18 Q. And what is the standard to let us 19 decide when he has offered sufficient evidence to 20 the effect that he's checked the accuracy of his 21 numbers? 22 MR. BERLIN: Objection, form.</p>	<p>1 Q. And there's no general rule that you 2 could describe that would tell us when he's 3 reached that point. 4 A. Yes -- 5 MR. BERLIN: Objection, form. 6 Go ahead. 7 THE WITNESS: Yes. When you're doing 8 data analysis, you want your data to be as 9 accurate as possible. That's the standard. 10 BY MR. LAVINE: 11 Q. So Professor Duggan has failed to state 12 his assumptions, he's failed to support his 13 assumptions, and he's failed to demonstrate that 14 his numbers were as accurate as possible? 15 A. He's failed to state his assumption, 16 he's failed to state his basis for his assumption, 17 and he's failed to take feasible steps, reasonable 18 steps, to verify the accuracy of his assumption. 19 Q. Is there any other standard that he's 20 failed to meet in that regard? 21 MR. BERLIN: Objection, form. 22 BY MR. LAVINE:</p>

13 (Pages 342 to 345)

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

9bf50a28-ec15-4804-8eb6-56ab4c34891b

Hughes, Ph.D., James W. - Vol. II  
Chicago, IL

May 6, 2009

Page 398	Page 400
<p>1 and not a fraudulent price.</p> <p>2 For example, my criticism about his</p> <p>3 treatment of MAC prices where MAC prices are</p> <p>4 negotiated between providers and state Medicaid</p> <p>5 agencies in my opinion represent the state's best,</p> <p>6 the state's and the provider's best estimate, best</p> <p>7 attempt at finding a mutually agreeable price.</p> <p>8 So reimbursing at such a MAC price he</p> <p>9 considers as being fraudulent. And I object to</p> <p>10 that and say that a price that was arrived at</p> <p>11 through a considered state agency policy should</p> <p>12 not in a blanket sense simply be considered a</p> <p>13 fraudulent price.</p> <p>14 But he doesn't take any of the access</p> <p>15 issues, he doesn't take any of the viability</p> <p>16 issues, he doesn't take any of the state policy</p> <p>17 issues that are raised throughout the deposition</p> <p>18 testimony that he did not read, takes none of that</p> <p>19 into account and simply performs this mechanical</p> <p>20 here's the reimbursement that was paid, here's the</p> <p>21 but-for reimbursement based on my but-for AWP,</p> <p>22 here's the difference, absolutely everything else</p>	<p>1 take into account.</p> <p>2 The states and the providers arrive at</p> <p>3 MACs as their best estimate of the minimum amount</p> <p>4 that providers can accept and still be willing to</p> <p>5 participate in the Medicaid program.</p> <p>6 So it addresses the, these negotiated</p> <p>7 MAC prices address these issues of cost</p> <p>8 containment and access to the best of the states'</p> <p>9 abilities.</p> <p>10 Q. Would it be fair to say that that's</p> <p>11 another example of a violation of the standard of</p> <p>12 needing to base your methodology on a realistic</p> <p>13 but-for world?</p> <p>14 A. Yes. I think that would be a fair way</p> <p>15 to characterize it, yes.</p> <p>16 Q. Does that also -- I'm sorry. Let me</p> <p>17 start over.</p> <p>18 Are there any other standards that you</p> <p>19 would say Professor Duggan has failed to meet in</p> <p>20 connection with his, the criticism you say that</p> <p>21 his calculations were mechanical?</p> <p>22 A. Yes. I think sitting here today, to the</p>
Page 399	Page 401
<p>1 stays the same.</p> <p>2 Q. But based on the methodology established</p> <p>3 by Professor Duggan, you're not of the opinion</p> <p>4 that he applied his methodology incorrectly;</p> <p>5 right?</p> <p>6 A. He applied an incorrect methodology</p> <p>7 correctly as he believes would I guess be the way</p> <p>8 to characterize my opinion.</p> <p>9 Q. Right.</p> <p>10 But under the methodology as he set it</p> <p>11 up, if the price based upon a hundred twenty-five</p> <p>12 percent of the average was lower than the MAC, it</p> <p>13 was appropriate to calculate it on the basis of</p> <p>14 that lower hundred twenty-five percent of the</p> <p>15 average price rather than the MAC?</p> <p>16 A. Well, yes. I mean he did what he said</p> <p>17 he did.</p> <p>18 But I'm objecting to the treatment of a</p> <p>19 MAC price as being fraudulent as opposed to being</p> <p>20 a price negotiated between providers and the</p> <p>21 states that takes into account all of these other</p> <p>22 things that I'm objecting that Dr. Duggan doesn't</p>	<p>1 best of my recollection, we've covered them all.</p> <p>2 Q. Now, with respect to the selection of</p> <p>3 the arrays that were used for the basis of an</p> <p>4 extrapolation regarding, we talked about some of</p> <p>5 the other ones earlier that haven't shown the</p> <p>6 correct NDCs were in the arrays, haven't shown</p> <p>7 that Abbott's price is the only one who would have</p> <p>8 changed, et cetera. But you also talked about how</p> <p>9 there were too few arrays and they were not</p> <p>10 randomly selected.</p> <p>11 So what is the economic principle that</p> <p>12 you say Professor Duggan failed to meet in his</p> <p>13 selection or reliance upon those arrays?</p> <p>14 A. In his reliance upon those arrays, as I</p> <p>15 believe I say in my report, he's using what</p> <p>16 economists refer to as a sample of convenience,</p> <p>17 using the data that are there as being</p> <p>18 representative of the population without any</p> <p>19 investigation or any assurance that such sample is</p> <p>20 indeed representative of the, in this case,</p> <p>21 population of arrays.</p> <p>22 Q. So the rule that he's violated is that</p>

27 (Pages 398 to 401)

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Hughes, Ph.D., James W. - Vol. II

May 6, 2009

Chicago, IL

Page 402

1 if you're going to use a sample of convenience,  
2 you need to demonstrate that it's reasonable to do  
3 so?

4 A. Well, if you're claiming that your  
5 sample of convenience is representative, which is  
6 something that somebody might claim, you need to  
7 provide evidence that it is indeed representative.

8 If you are stuck with the sample that  
9 you're stuck with, then it also seems to me it's  
10 incumbent upon a researcher to examine the  
11 consequences for their analysis from the fact that  
12 their sample is not representative of the  
13 population.

14 Q. Are there any other principles or  
15 methods that you say Professor Duggan should have  
16 applied in connection with his selection of the  
17 arrays, the sample of arrays?

18 A. Well, I mean as I understand it, Dr.  
19 Duggan did none of the selecting. As I understand  
20 it, Dr. Duggan was provided with a set of arrays  
21 by the government.

22 So I think it mischaracterizes as I

Page 403

1 understand what Dr. Duggan is saying because I  
2 don't believe he made any claim that he selected  
3 the arrays from -- let me put it differently.

4 If Dr. Duggan had twenty more arrays in  
5 his possession, I assume he would have used them.  
6 I'm not saying that he did have more. I'm saying  
7 that it's my understanding that he used only those  
8 that were given to him by the government.

9 So it's not a matter of Dr. Duggan  
10 actually performing the selection but rather  
11 uncritically using a sample of convenience without  
12 any checks as to the representativeness of the  
13 arrays that he had been provided.

14 Q. What standard would you apply to  
15 determine that the arrays that were relied upon in  
16 Dr. Duggan's analysis were too few in number?

17 A. There are, in statistics there are  
18 formulas for figuring out, I'm trying to remember,  
19 it's been a long time, for figuring out minimum,  
20 something like minimum required sample size,  
21 something like that.

22 I'm sure I don't have the term right,

Page 404

1 but there are formulas for figuring that out.

2 Q. But you haven't done that analysis in  
3 this case?

4 A. No. I have not.

5 Q. Are there any other economic theories or  
6 techniques that Dr. Duggan failed to meet in  
7 connection with his extrapolation for Medicare  
8 damages based on the arrays?

9 A. Well, I mean this, and let's just keep  
10 something in mind, is that in his rebuttal report  
11 he talks about other studies that provide  
12 extrapolations and so on and so forth.

13 I have not had, I have not reviewed  
14 those studies, but I would imagine that those  
15 studies provided some measure of statistical  
16 accuracy for their extrapolations, as that would  
17 be a standard practice.

18 The overarching criticism is that we  
19 have no basis for concluding that Dr. Duggan's  
20 estimates are too high, too low, or just right  
21 because he's simply used the sample that was  
22 provided to him, he's gone ahead and extrapolated

Page 405

1 according to his methodology, he comes up with a  
2 number and we have no way of knowing whether that  
3 number is terribly accurate, wildly inaccurate,  
4 whether that number if he was provided with  
5 twenty-five different arrays and performed the  
6 same analysis would he get a number that was  
7 similar to the number that he got or not.

8 Nothing that he does do we have any  
9 measure as would be standard practice in any  
10 academic economics paper, do we have any measure  
11 of accuracy of his estimates of his extrapolations  
12 or difference calculations.

13 Q. Okay. You received Dr. Duggan's actual  
14 report, supplemental report, and rebuttal report;  
15 right?

16 A. Yes.

17 Q. But you weren't provided with any of the  
18 underlying materials related to those reports;  
19 were you?

20 A. I don't know, no.

21 Q. So your opinion isn't based upon any  
22 review of any of the materials that were used to

28 (Pages 402 to 405)

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

9bf50a28-ec15-4804-8eb6-56ab4c34891b



Hughes, Ph.D., James W. - Vol. II  
Chicago, IL

May 6, 2009

Page 422	Page 424
<p>1 and to adjust the administration fees accordingly. 2 That's part of the law. That's what 3 Congress after it got done looking at all of the 4 problems with the previous Medicaid system, that's 5 the conclusion that the Congress came to. And 6 came to after weighing all of the issues of cost 7 containment as well as access. 8 We've been sitting here arguing, you've 9 been arguing with me that I haven't taken into 10 account everything that has changed. 11 Well, then we're in great agreement on 12 Dr. Duggan's report because that's my objection to 13 Dr. Duggan's report. He doesn't take into account 14 everything that would have changed. 15 Q. Do you agree that some of the changes 16 that would have been implemented in a but-for 17 world that complies with your standard would have 18 increased the dollar value of the damages in this 19 case? 20 A. No. I don't reach that conclusion. 21 Q. Every single change that would have been 22 made in your version of the but-for world would</p>	<p>1 his tremendously unrealistic but-for world, Dr. 2 Duggan has come up with a set of difference 3 calculations that are unreliable and inaccurate. 4 They could be higher, they could be 5 lower. That's not what I'm here about. What I'm 6 here about is that the ones he's come up with we 7 have every reason to believe are not accurate. 8 Q. But when I asked you a few minutes ago 9 about can you say sitting here today with a 10 reasonable degree of certainty that it's more or 11 less likely, more likely than not that Professor 12 Duggan's damage figure is wrong, you said that you 13 could reach that conclusion. 14 So my follow-up question is since you 15 didn't actually do those numbers, is that just 16 based upon your calculation in your head? 17 A. No. I've just been through this. 18 If administration fees go up, as they 19 did under the MMA, as they did under the DRA, as 20 they did when the Congress of the United States 21 looks at these systems, weighs issues of access, 22 weighs issues of cost containment, and comes to a</p>
Page 423	Page 425
<p>1 have resulted in a lower damage figure? 2 A. Well, if, for example, a reduction of 3 ingredient cost by ninety percent in a state would 4 have led to an "X" percent increase in dispensing 5 fees in order to keep the Medicaid system viable, 6 then yes, I think the difference would have been 7 smaller, not larger. 8 Q. Are there any factors at all that would 9 have been part of your but-for world that would 10 have caused the dollar value of damages to move 11 upward? 12 A. Sitting here today, I don't know that, I 13 can't say a hundred percent that there's not, but 14 the main ones, the ones that I have identified in 15 my report, all point to having lower damages, not 16 higher damages. 17 I know that in his rebuttal report Dr. 18 Duggan makes claim of some things that would be, 19 some changes that would be in my but-for world 20 that would make damages higher, but that's fine. 21 That's not the issue. 22 The issue for me is that in constructing</p>	<p>1 conclusion, they've come to a conclusion that when 2 you lower your ingredient costs down to a level 3 resembling average selling price, that this cannot 4 be done without an increase in dispensing or 5 administration fees. 6 So taking that one by itself into 7 account, which is again one of my principal 8 criticisms of Dr. Duggan's report, I do conclude 9 that I think his damage calculations would in fact 10 be smaller if, for example, his but-for world for 11 the MMA was, suppose the MMA had been implemented 12 fifteen years sooner, suppose the DRA had been 13 implemented fifteen years sooner, then what would 14 the difference have been. 15 For some transactions it would be the 16 reimbursement might be higher, for some 17 transactions the reimbursement might be lower. I 18 don't know. 19 But since the decrease in ingredient 20 costs as we see in the actual world, MMA and DRA 21 are more than offset by increase in administration 22 and dispensing fees, it is my conclusion that Dr.</p>

33 (Pages 422 to 425)

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

Hughes, Ph.D., James W. - Vol. II  
Chicago, IL

May 6, 2009

Page 602

1 Q. All right. But when he extrapolates to  
2 other carriers and assume that they would have  
3 used Abbott AWP's in generally the same frequency  
4 as the ones that he actually had information on,  
5 that's where you have a criticism?

6 A. What I have a criticism on is him  
7 looking in the claims data and saying oh, here's a  
8 reimbursement of \$10.16, Abbott has an AWP of  
9 \$10.16; therefore, this must be an Abbott product  
10 and Abbott must be in this array.

11 Q. And did you look at the information that  
12 he provided through counsel to you, including his  
13 Red Book analyses and Red Book documentation, to  
14 determine whether or not the Red Book was  
15 reflecting Abbott at that price and only Abbott at  
16 that price at that time?

17 A. He did not mention in his report that he  
18 had done any such checking. And I did not review  
19 Red Book data from him that concluded in any way  
20 that this was an Abbott price and only an Abbott  
21 price, that it was not possible for it to be  
22 another price.

Page 603

1 Q. Did you study the list of materials on  
2 the source log that was provided with respect to  
3 Dr. Duggan?

4 A. I looked at the supporting documents  
5 that I felt I needed to look at.

6 Q. Did you look at the forty-five Red Book  
7 excerpts that he had on that log?

8 A. I did not.

9 Q. Why not?

10 A. I didn't.

11 Q. Okay. Did you look at anything else on  
12 that log to see if it provided a basis for the  
13 information since he was referring to those items?

14 A. Dr. Duggan claims in his report that  
15 this must be an Abbott AWP.

16 Again, I understand from his rebuttal  
17 report that he claims that he checked to make sure  
18 that they were Abbott AWP's.

19 Again, it's still unclear to me exactly  
20 what he did check because there are things that  
21 appear in the arrays by error, there are things  
22 that appear wrong dosage, wrong size, wrong

Page 604

1 product, that I don't know, did he just check the  
2 matching the, the products that are the same size  
3 and dose as the NDC he was looking at or did he  
4 look at other things that may have crept into the  
5 array that might have had those prices since we  
6 know that the arrays were constructed at times  
7 with error.

8 Q. In the Medicaid side where you criticize  
9 his use of the nine state, as you call it, nine  
10 state sample to extrapolate to the remaining  
11 states, what proportion of the total Medicaid  
12 claims dollars for these drugs were encompassed by  
13 those nine states?

14 A. I believe he says something like seventy  
15 percent for the ten states.

16 Q. For the ten states.

17 A. Right.

18 Q. Okay. So in a normal sampling scenario  
19 where you basically have a situation where you  
20 take the largest participants in terms of the  
21 quantity of things you're trying to evaluate and  
22 you get up to seventy percent, are you saying

Page 605

1 that's not a sufficient sample size to extrapolate  
2 the remaining thirty percent?

3 A. I'm saying it's not been demonstrated  
4 that it's a sufficient sample size.

5 I mean suppose you have as your  
6 population of interest a room full of individuals  
7 and you want to look at their salaries? So you  
8 take the seventy highest paid people and then say  
9 okay, I'm going to take the average of that and  
10 extrapolate to the other people. Well, that may  
11 or may not work.

12 If you take seventy men and then try to  
13 extrapolate to thirty women, that may not work  
14 very well for you, all right. Precisely because  
15 there's no effort to say that the seventy percent  
16 that I'm using as the basis of my extrapolation in  
17 fact mimics the thirty percent that I'm  
18 extrapolating to.

19 Let's take it differently. I'm from the  
20 State of Maine, we're in the state of Illinois.  
21 Illinois is one of his exemplar states. Is the  
22 Medicaid reimbursement system in Maine identical

78 (Pages 602 to 605)

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

9bf50a28-ec15-4804-8eb6-56ab4c34891b

Hughes, Ph.D., James W. - Vol. II  
Chicago, IL

May 6, 2009

<p style="text-align: right;">Page 614</p> <p>1 have to think that the sample of nine states that 2 you're using is in fact representative of the 3 other thirty-nine states that you're extrapolating 4 to. 5 Then that would go back to the author, 6 and the author may come back and say here, here, 7 I've done this, this, that, and the other thing, 8 and here's why I believe it to be representative. 9 Then it would be up to me as a journal 10 referee to say oh, okay, I get it, I agree with 11 him, that's adequate, or no, I don't think that's 12 adequate for whatever the following reasons would 13 be. 14 So I viewed my job, and nobody ever 15 disabused me from it, that my task here was 16 restricted to the same sorts of things that I do 17 in my regular professional life when critiquing 18 the work of a colleague is to look at the methods 19 that he used, look at how he performed his 20 analysis, looking at the assumptions underlying 21 his analysis, looking at the steps that he took, 22 the steps that he didn't take, looking at the</p>	<p style="text-align: right;">Page 616</p> <p>1 that. 2 Q. Can you tell the court today within a 3 reasonable degree of certainty in your profession 4 that Dr. Duggan's quantitative estimation, taking 5 away the dispensing fee issue for a moment, but 6 just his quantitative estimation of the Medicaid 7 damages is materially in error? 8 A. Well, as is replete in my report is yes, 9 I do believe it is materially in error. 10 Q. When you say material, can you quantify 11 that? 12 A. I have not made any attempt to quantify 13 that. 14 But yet he has made assumptions that 15 have no basis, he's made claims of 16 representativeness that he does nothing to 17 support, and so on and so forth, as I list in 18 forty-seven pages in my report, leads me to 19 believe that his estimates are inaccurate and 20 unreliable. 21 In fact, in his rebuttal report where he 22 is attempting to address some of these concerns</p>
<p style="text-align: right;">Page 615</p> <p>1 realism of what he's done, and then passing a 2 judgment and writing that up and handing it in, 3 which is in effect what I've done here. 4 Q. Back to the seventy percent sample. 5 Now that Dr. Duggan has done more 6 testing and more explanation in his rebuttal 7 report I guess is what we call it here, did that 8 provide at least some more insight as to the 9 appropriateness of the seventy percent sample? 10 A. Well, as I pointed out here over the 11 past couple of days, the rebuttal report did 12 provide some more insight, but it also raised some 13 other questions because it wasn't always clear 14 from exactly what he, it wasn't clear from what he 15 was saying in the rebuttal report exactly what he 16 was doing. 17 It just wasn't, it wasn't clear to me 18 that take, for example, the checking of the AWP's, 19 like he says oh, I checked to make sure it was 20 right. Again, what did you check, how extensively 21 did you check? That wasn't clear. 22 And there were other instances like</p>	<p style="text-align: right;">Page 617</p> <p>1 where he instead of doing an extrapolation, he 2 goes to the data, the claims data for the other 3 thirty-eight states, he comes and says well, look, 4 if I did it using the claims data it's actually 5 substantially higher estimate of difference than I 6 got from the extrapolation, which in my mind 7 supports my contention that his original 8 methodology was in fact inaccurate and unreliable 9 because when he did it using the actual data he 10 claims he got a substantially different number. 11 Q. Yet you've done absolutely no 12 quantitative work yourself to try to determine if 13 those numbers are materially wrong, trying to 14 determine how to quantify that? 15 MR. BERLIN: Objection, form. 16 THE WITNESS: Again, I've done here what 17 economists do when critiquing the work of 18 colleagues, is that I look at his methods, I look 19 at his procedures, I look at the assumptions, I 20 look at the basis of his assumptions, I look at 21 the reasonableness of his assumptions, I look at 22 what he is substantiating, what he's not</p>

81 (Pages 614 to 617)

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com